

1 GLANCY PRONGAY & MURRAY LLP

2 Lionel Z. Glancy (#134180)

3 Robert V. Prongay (#270796)

4 Lesley F. Portnoy (#304851)

5 Charles H. Linehan (#307439)

6 1925 Century Park East, Suite 2100

7 Los Angeles, California 90067

8 Telephone: (310) 201-9150

9 Facsimile: (310) 201-9160

10 Email: rprongay@glancylaw.com

11 *Attorneys for Lead Plaintiffs*

12 UNITED STATES DISTRICT COURT

13 CENTRAL DISTRICT OF CALIFORNIA

14 ARTHUR KAYE IRA FCC AS
15 CUSTODIAN DTD 6-8-00,
16 Individually and On Behalf of All
17 Others Similarly Situated,

18 Plaintiff,

19 v.

20 IMMUNOCELLULAR
21 THERAPEUTICS, LTD., DAVID
22 FRACTOR, JOHN S. YU, ANDREW
23 GENGOS, MANISH SINGH,
24 LAVOS, LLC, LIDINGO
25 HOLDINGS, LLC, KAMILLA
26 BJORLIN, ANDREW HODGE,
27 BRIAN NICHOLS, and VINCENT
28 CASSANO,

Defendants.

No. CV 17-3250 FMO (SKx)

CLASS ACTION

**JOINT STIPULATION
REGARDING AMENDMENT
TO CONSOLIDATED FIRST
AMENDED COMPLAINT AND
BRIEFING SCHEDULE**

Hon. Fernando M. Olguin

Pursuant to Local Rule 7-1, co-lead plaintiffs Arthur Kaye IRA FCC as Custodian DTD 6-8-00 and Hayden Leason (“Lead Plaintiffs”) and defendants Immunocellular Therapeutics, Ltd., David Fractor, John S. Yu, Andrew Gengos, Manish Singh, Lavos, LLC, Lidingo Holdings, LLC, Kamilla Bjorlin, and Andrew Hodge (collectively “Defendants”), by and through their counsel, hereby jointly stipulate as follows:¹

WHEREAS, on August 24, 2017, Lead Plaintiffs filed their Consolidated First Amended Complaint;

WHEREAS, Defendants are due to file their Answer to the Consolidated First Amended Complaint or other response no later than September 28, 2017;

WHEREAS, on September 21, 2017, Defendants and Lead Plaintiffs met and conferred to discuss Defendants’ anticipated motion to dismiss to the Consolidated First Amended Complaint;

WHEREAS, in light of the issues discussed during the meet and confer conference, Lead Plaintiffs desire to amend their Consolidated First Amended Complaint and file a Consolidated Second Amended Complaint;

WHEREAS, Defendants do not object to Lead Plaintiffs’ request to amend;

WHEREAS, Fed. R. Civ. P. 15(a)(2) permits a party to amend its complaint with the consent of the opposing party or the Court’s leave, and states that “[t]he court should freely give leave when justice so requires”;

WHEREAS, the parties to this stipulation anticipate that Defendants will respond to Lead Plaintiffs’ Consolidated Second Amended Complaint by filing a motion to dismiss;

WHEREAS, the parties agree that the complexity of this case requires an extension of the briefing schedule otherwise called for by the Federal Rules

¹ Defendants Vincent Cassano and Brian Nichols were each served on July 20, 2017 and July 21, 2017, respectively (and certificates of service have been filed with the Court), but neither have appeared in the action.

1 related to Defendants' anticipated motion to dismiss;

2 WHEREAS, the parties to this stipulation have conferred and agreed upon a
3 schedule for Lead Plaintiffs to file their Consolidated Second Amended Complaint
4 and a briefing schedule for Defendants' anticipated motion to dismiss the
5 Consolidated Second Amended Complaint;

6 WHEREAS, granting leave to amend in securities class actions is not
7 unusual. *See, e.g., Read v. Amira Nature Foods Ltd., et al.*, Case No. 2:15-cv-
8 00957-FMO-PJW (C.D. Cal. Sept. 3, 2015) (Olguin, J.) (Order Re Stipulation) (so
9 ordering parties' stipulation to amend the complaint and set a new briefing
10 schedule on defendants' anticipated motion to dismiss) (ECF No. 76);

11 WHEREAS, given the parties' agreement that the existing Consolidated
12 First Amended Complaint should be amended, no purpose would be served by
13 Defendants' filing their anticipated motion to dismiss the Consolidated First
14 Amended Complaint on September 28, 2017, or holding a hearing on the motion
15 to dismiss scheduled for November 16, 2017 (ECF No. 42).

16 IT IS HEREBY STIPULATED AND AGREED among the undersigned
17 parties, subject to the Court's approval, as follows:

18 1. Defendants shall not respond to the Consolidated First Amended
19 Complaint, and the Hearing on Defendants' Motion to Dismiss currently
20 scheduled for November 16, 2017 should be taken off calendar;

21 2. Lead Plaintiffs shall file their Consolidated Second Amended
22 Complaint on or before October 13, 2017;

23 3. Defendants shall file their motion to dismiss the Consolidated Second
24 Amended Complaint or Answer no later than November 10, 2017;

25 4. Lead Plaintiffs shall file an opposition to the motion, if any, no later
26 than December 6, 2017;

27 5. Defendants shall file a reply in further support of the motion, if any,
28

no later than December 21, 2017;

6. In the event Defendants wish to file a motion to dismiss, then counsel for the parties shall, on or before November 1, 2017, at 10:30 a.m.² meet and confer in person at an agreed upon location within the Central District of California to discuss Defendants' motion to dismiss;

7. The Court shall hold a hearing on Defendants' motion to dismiss on January 18, 2018 at 10:00 a.m., or on such other date as the Court may order; and

8. Except as set forth herein, the Court's Order dated August 4, 2017 (ECF No. 42) shall remain in effect.

IT IS SO STIPULATED.

Pursuant to Civil Local Rule 5-4.3.4., I hereby attest that the content of this document is acceptable to counsel for the undersigned defendants and I have obtained authorization to affix their electronic signature to this document.

Dated: September 25, 2017 GLANCY PRONGAY & MURRAY LLP

s/ Robert V. Prongay

Robert V. Prongay (270796)

Counsel for Lead Plaintiffs

Dated: September 25, 2017 COOLEY LLP

s/ Jeffrey M. Kaban

Jeffrey M. Kaban (235743)

*Counsel for Defendants ImmunoCellular
Therapeutics, Ltd., David Fractor, John Y. Yu,
and Andrew Gengos*

² Counsel may agree to meet and confer at another time and place without seeking court approval for such an agreement.

1 Dated: September 25, 2017

GARTENBERG GELFAND HAYTON LLP

2 s/ Edward Gartenberg

3 Edward Gartenberg (102693)

4 *Counsel for Defendants Lidingo Holdings,*
5 *LLC, Kamilla Bjorlin, and Andrew Hodge*

6 Dated: September 25, 2017

REED SMITH LLP

7 s/ James L. Sanders

8 James L. Sanders (126291)

9 *Counsel for Defendants Manish Singh and*
10 *Lavos, LLC*

PROOF OF SERVICE BY ELECTRONIC POSTING

I, the undersigned say:

I am not a party to the above case, and am over eighteen years old. On September 25, 2017, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Central District of California, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 25, 2017, at Los Angeles, California.

s/ Robert V. Prongay

Robert V. Prongay

Mailing Information for a Case 2:17-cv-03250-FMO-SK Arthur Kaye IRA FCC as Custodian DTD 6-8-00 v. ImmunoCellular Therapeutics, Ltd. et al

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Angela L Dunning**
adunning@cooley.com
- **John C Dwyer**
jdwyer@cooley.com,bgiovannoni@cooley.com
- **Robert C Finkel**
rfinkel@wolfpopper.com,cdunleavy@wolfpopper.com
- **Lionel Zevi Glancy**
lglancy@glancylaw.com
- **Jeffrey M Kaban**
jkaban@cooley.com,lalmanza@cooley.com
- **Jessie A R Simpson Lagoy**
jsimpsonlagoy@cooley.com,galancr@cooley.com
- **Charles Henry Linehan**
clinehan@glancylaw.com
- **Lesley F Portnoy**
LPortnoy@glancylaw.com
- **Robert Vincent Prongay**
rprongay@glancylaw.com,CLinehan@glancylaw.com,info@glancylaw.com,echang@glancylaw.com,bmurray@glancylaw.com
- **Rosemary M Rivas**
rrivas@zlk.com,qroberts@zlk.com,ebigelow@zlk.com
- **Laurence M Rosen**
lrosen@rosenlegal.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)